

U.S. Department of Homeland Security

Citizenship and Immigration Services

**identifying data deleted to
prevent clearly unwarranted**

ADMINISTRATIVE APPEALS OFFICE

CIS, AAO, 20 Mass, 3/F

425 Eye Street N.W.

Washington, D.C. 20536

File: WAC-01-217-56375 Office: California Service Center

Date: SEP 30 2003

IN RE: Petitioner:
Beneficiary:

Petition: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER:

PUBLIC COPY

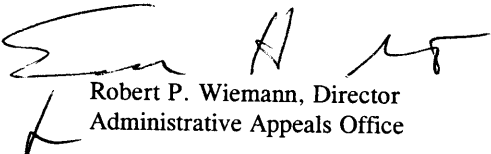
INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of Citizenship and Immigration Services (CIS) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The immigrant visa petition was denied by the Acting Director, California Service Center, and is now before the Associate Commissioner for Examinations on appeal. The decision will be withdrawn, the record will be remanded.

The petitioner is an Orthodox Iranian Jewish synagogue. It seeks classification of the beneficiary as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1153(b)(4), in order that the alien may be employed as a religious outreach worker.

The record indicates that the acting center director denied the petition on May 14, 2002, finding that the petitioner failed to fully respond to the request for additional information. The director indicated that the petitioner had failed to submit "the beneficiary's weekly work history breakdown." The acting director cited 8 C.F.R. § 103.2(b)(11) which states that "submission of only some of the requested evidence will be considered a request for a decision based on the record." The acting director, however, fails to articulate her decision to deny the petition based on the evidence of record.

For this reason, the decision of the acting director will be withdrawn, and the petition will be remanded for entry of a new decision.

ORDER: The acting director's decision is withdrawn. The petition is remanded to the director for entry of a new decision which is to be certified to the Administrative Appeals Office for review.